

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JAVID BAYANDOR,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 7:18-cv-00026
)	
VIRGINIA POLYTECHNIC AND STATE)	By: Elizabeth K. Dillon
UNIVERSITY COMMONWEALTH)	United States District Judge
OF VIRGINIA,)	
)	
and)	
)	
THANASSIS RIKAKIS,)	
)	
Defendants.)	

ORDER

In accordance with the memorandum opinion entered this day, it is hereby ORDERED as follows:

1. Plaintiff's motion for leave to supplement the record regarding his opposition to defendants' motion to dismiss (Dkt. No. 27) is GRANTED IN PART and DENIED IN PART. It is DENIED as to plaintiff's letter to the court, Exhibit E, and GRANTED in all other respects;

2. Count IV (Retaliation in Violation of Virginia Public Policy ("*Bowman* claim")) and Count VI (National Origin Discrimination Pursuant to Title VI) are WITHDRAWN by agreement of counsel;

3. Defendants' joint motion to dismiss (Dkt. No. 11) is GRANTED. Count I (Discrimination in Violation of the Rehabilitation Act of 1973) and Count III (Failure to Accommodate in Violation of the Rehabilitation Act of 1973) are DISMISSED WITH PREJUDICE; Count II (Retaliation in Violation of the Rehabilitation Act of 1973) is

DISMISSED IN PART WITH PREJUDICE and DISMISSED IN PART WITHOUT PREJUDICE, with the claim regarding audits being the only claim dismissed without prejudice; and Count V (Deprivation of Liberty Interest) and Count VII (Discrimination and Retaliation pursuant to 42 U.S.C. § 1981) are DISMISSED WITHOUT PREJUDICE; and

4. Plaintiff's motion for leave to file an amended complaint (Dkt. No. 21) is GRANTED IN PART and DENIED IN PART. Plaintiff is granted leave to file a newly amended complaint for claims dismissed without prejudice no later than twenty (20) days after entry of this order, but plaintiff may not file the previously submitted proposed amended complaint. Plaintiff is advised that if he fails to file an amended complaint within the twenty (20) day time frame allowed, this case will be struck from the active docket of the court.

The clerk is directed to send copies of this order and the accompanying memorandum opinion to all counsel of record.

Entered: March 25, 2019.

/s/ Elizabeth K. Dillon
Elizabeth K. Dillon
United States District Judge